

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 100 feet in width overall.

* * * * *

Dated: September 7, 1995.

J.A. Creech,

*Captain, U.S. Coast Guard, Acting Chief,
Office of Navigation Safety and Waterway
Services.*

[FR Doc. 95-22985 Filed 9-14-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-123]

RIN 2115-AA97

Safety Zone: Grande Fiesta Italiana Fireworks, Hempstead Harbor, New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of withdrawal.

SUMMARY: This rulemaking project was initiated to establish a temporary safety zone in Hempstead Harbor, New York, for the Grande Fiesta Italiana Fireworks Program. On August 14, 1995, the Coast Guard was notified that the location of the fireworks program was changed to a point on land. Due to the change in location, a safety zone is no longer required. Therefore, the Coast Guard is terminating further rulemaking under docket number CGD01-95-123.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (Junior Grade) K. Messenger,
Maritime Planning Staff Chief, Coast
Guard Group New York (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On August 9, 1995, the Coast Guard published a Notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 40543). The proposal was to establish a temporary safety zone in all waters of Hempstead Harbor, shore to shore, within a 300 yard radius of a fireworks barge anchored approximately 300 yards north of Bar Beach, Port Washington, New York, at or near 40°49'52" N Latitude, 073°39'10" W longitude (NAD 1983). The safety zone was to be in effect from 9 p.m. until 10:15 p.m. on September 10, 1995, unless extended or terminated sooner by the Captain of the Port New York. No comments were received in response to the NPRM.

On August 14, 1995, Fireworks by Grucci, Inc. informed the Coast Guard that the location of the fireworks program was changed from Hempstead Harbor to a point on land in the vicinity of Bar Beach, Port Washington, New

York. The fireworks program will no longer require a safety zone. Therefore, this rulemaking is no longer necessary and the Coast Guard is terminating further rulemaking under docket number CGD01-95-123.

Dated: September 6, 1995.

T.H. Gilmour,

*Captain, U.S. Coast Guard, Captain of the
Port New York.*

[FR Doc. 95-22984 Filed 9-14-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT26-1-7198; A-1-FRL-5296-4]

Approval and Promulgation of Air Quality Implementation Plans; Approval of the Carbon Monoxide Implementation Plan Submitted by the State of Connecticut Pursuant to Sections 186-187 and 211(m)

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA proposes approval of the State implementation plans (SIP) submitted by the State of Connecticut for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for carbon monoxide (CO). The implementation plans were submitted by the State to satisfy the requirements of Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Clean Air Act for an approvable nonattainment area CO SIP for Connecticut's portion of the New York-New Jersey-Connecticut CO nonattainment area. This action is being taken under Section 110 of the Act. The rationale for the approval is set in this document, additional information is available at the address indicated below.

DATES: Comments on this proposed action must be received in writing by October 16, 1995.

ADDRESSES: Comments may be mailed to Susan S. Studlien, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg. (AAA), Boston, MA 02203. Copies of the state's submittal and EPA's technical support document are available for inspection during normal business hours, by appointment at the U.S. Environmental Protection Agency, Jerry Kurtzweg, ANR-443, 401 M Street, SW, Washington, D.C. 20460; the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection

Agency, Region I, One Congress Street, 10th floor, Boston, MA 02203; and the Bureau of Air Management, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT:

Damien F. Houlihan, (617) 565-3266, of the U.S. Environmental Protection Agency in Boston, MA.

SUPPLEMENTARY INFORMATION: On January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995, the Connecticut Department of Environmental Protection (DEP) submitted a revision to its State Implementation Plan (SIP) for air quality. The revision is designed to satisfy the requirements of Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Clean Air Act, as amended in 1990 (CAA).

I. Background

The air quality planning requirements for moderate CO nonattainment areas are set out in Sections 186-187 and Section 211(m) of the Clean Air Act (Act) Amendments of 1990 (CAAA). These requirements pertain to the classification of CO nonattainment areas and to the submission requirements of the SIP's for these areas, respectively. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Connecticut CO SIP, EPA is proposing to apply its interpretations taking into consideration the specific factual issues presented. Thus, EPA will consider any timely submitted comments before taking final action on today's proposal.

Those States containing CO nonattainment areas with design values greater than 12.7 parts per million (ppm) were required to submit, among other things, a State Implementation Plan revision, by November 15, 1992, that contains a forecast of VMT in the nonattainment area for each year before the year in which the SIP projects the NAAQS for CO to be attained and an attainment demonstration such that the plan will provide for attainment by December 31, 1995 for moderate CO nonattainment areas. The SIP revision is also required to provide for annual

updates of the VMT forecasts along with annual reports regarding the extent to which the forecasts proved to be accurate. In addition, these annual reports must contain estimates of actual VMT in each year for which a forecast was required. The attainment demonstration must include a SIP control strategy, which is also due by November 15, 1992. The SIP control strategy for a given nonattainment area must be designed to ensure that the area meets the specific annual emissions reductions necessary for reaching attainment by the deadline. In addition, section 187(a)(3) requires these areas to implement contingency measures if any estimate of actual vehicle miles travelled (VMT) or any updated VMT forecast for the area contained in an annual report for any year prior to attainment exceeds the number predicted in the most recent VMT forecast. Contingency measures are also triggered by failure to attain the NAAQS for CO by the attainment deadline. Contingency measures must be submitted with the CO SIP by November 15, 1992. In addition, Section 211(m) of the Act requires a SIP revision containing a provision to require that after November 1, 1992, any gasoline sold, or dispensed, to the ultimate consumer in the CO nonattainment area be blended to contain not less than 2.7 percent oxygen by weight during the portion of the year in which the area is prone to high ambient CO levels.

Section 187(a)(2)(A) of the Clean Air Act Amendments of 1990 required EPA, in consultation with the U.S. Department of Transportation (DOT), to develop guidance for states to use in complying with the VMT forecasting and tracking provisions of Section 187. A Notice of Availability for the resulting *Section 187 VMT Forecasting and Tracking Guidance* was published in the **Federal Register** on March 19, 1992.

The Section 187 Guidance identifies the Federal Highway Administration's Highway Performance Monitoring System (HPMS) as the foundation for VMT estimates and forecasts. To develop growth factors for forecasting VMT, the Section 187 Guidance offers as one alternative the use of network-based travel demand models. If these models are properly updated and validated, and if they use an equilibrium approach to allocating trips, they are considered to be the best predictor of growth factors for VMT forecasts.

When determining that actual annual VMT or a VMT forecast has exceeded the most recent prior forecast and, therefore, that contingency measures should be implemented, EPA believes

that it is appropriate to take into account the statistical variability in the estimates of VMT generated through HPMS. Consequently, EPA has identified a margin of error to be applied when making VMT comparisons. With the expectation that HPMS sampling procedures will improve over the next few years in response to recent FHWA guidance, the margin of error starts at 5.0 percent for VMT comparisons made in 1994, becomes 4.0 percent for VMT comparisons made in 1995, and is reduced to 3.0 percent for VMT comparisons made in 1996 and thereafter. However, since each revised VMT forecast becomes the VMT baseline for triggering contingency measures, the application of a margin of error every year could allow the forecasts to increase without bound, without ever triggering contingencies. To prevent this occurrence, EPA believes it is appropriate to allow the application of the margin of error only as long as, cumulatively, neither an estimate of actual VMT nor a VMT forecast ever exceed by more than 5.0 percent the VMT forecast relied upon in the area's attainment demonstration.

EPA interprets the requirement for contingency measures to "take effect without further action by the State or the Administrator" to mean that no further rulemaking activities by the State or EPA would be needed to implement the measures. The General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, published in the **Federal Register** on April 16, 1992, offers guidance on the type and size of contingencies to be included in the SIP revision. This guidance is advisory in nature and is non-binding. (See the **Federal Register**, April 16, 1992, Volume 57, Number 74, pages 13532 and 13533.)

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-66). The State of Connecticut submitted SIP revisions to EPA on January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995 in order to satisfy the requirements of Sections 186-187 and 211(m) of the Act. In order to gain approval, the State submittals must provide for each of the following mandatory elements: (1) a forecast of VMT in the non-attainment area for each year prior to the attainment year; (2) a provision for annual updates of the forecasts along with a provision for annual reports describing the extent to which the forecasts proved to be accurate; these reports shall provide estimates of actual VMT in each year for

which a forecast was required; (3) adopted and enforceable contingency measures to be implemented without further action by the State or the Administrator if actual annual VMT or an updated forecast exceeds the most recent prior forecast or if the area fails to attain the CO NAAQS by the attainment date; (4) Attainment Demonstration with Control Strategies and (5) a provision to require that any gasoline sold, or dispensed, to the ultimate consumer in the CO nonattainment area be blended to contain not less than 2.7 percent oxygen by weight during the portion of the year in which the area is prone to high ambient CO levels.

II. Analysis

In today's action EPA proposes to approve Connecticut's CO SIP submittal for the Connecticut portion of the NY-NJ-CT CO nonattainment area and invites public comment on the action. The following items are the basis for approval of the SIP revision. Connecticut has met the requirements of Section 186-187 and 211(m) of the Act by submitting SIP revisions that implement all required elements as discussed below. The state implementation plans submitted by Connecticut on January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995, collectively meet the requirements for those particular revisions to the SIP for the Connecticut portion of the NY-NJ-CT Moderate (greater than 12.7 ppm) CO nonattainment area as set forth in Sections 187(a)(2)(A), 187(a)(3), 187(a)(7) and 211(m) of the Act.

1. VMT Forecasts

Section 187(a)(2)(A) requires that the State include in its SIP submittal a forecast of VMT in the nonattainment area for each year before the year in which the SIP projects the National Ambient Air Quality Standard for CO to be attained. The forecasts are to be based on guidance developed by EPA in consultation with DOT, i.e., the *Section 187 VMT Forecasting and Tracking Guidance*. Connecticut has satisfied this requirement with their January 12, 1993 and April 7, 1994 SIP submittals which include VMT forecasts beginning with the year 1993 and including all subsequent years up to the year of attainment (1995). The forecasts were projected using an annual growth factor of two percent as determined from Connecticut's network-based travel demand model. This model is properly updated and validated and uses an equilibrium approach to allocating trips, therefore, it is considered to be the best

predictor of growth factors for VMT forecasts in Connecticut and was used appropriately as set forth in the Section 187 VMT Forecasting and Tracking Guidance.

2. Annual VMT Updates/Reports

Section 187(a)(2)(A) specifies that the SIP revision provide for annual updates of the VMT forecasts and annual reports that describe the accuracy of the forecasts and that provide estimates of actual VMT in each year for which a forecast was required. The Section 187 VMT Forecasting and Tracking Guidance specifies that annual reports should be submitted to EPA by September 30 of the year following the year for which the VMT estimate is made. Connecticut satisfied this requirement with their January 12, 1993 and April 7, 1994 SIP submittals.

3. Contingency Measures

Section 187(a)(3) specifies that the State, in its SIP revision, adopt specific, enforceable contingency measures to be implemented if the annual estimate of actual VMT or a subsequent VMT forecast exceeds the most recent prior forecast of VMT or if the area fails to attain the CO NAAQS by the attainment date. Implementation of the identified contingency measures must not require further rulemaking activities by the State or EPA. Certain actions, such as notification of sources, would probably be needed before a measure could be implemented effectively. Connecticut has satisfied this requirement with their January 12, 1993 and April 7, 1994 SIP submittals which include contingency measures to be implemented if the annual estimate of actual VMT or a subsequent VMT forecast exceeds the most recent prior forecast of VMT or if the area fails to attain the CO NAAQS by the attainment date. Connecticut has demonstrated that expanded implementation of an enhanced inspection and maintenance program, beyond what is required in 57 CFR 52950, will provide CO emission reductions to counteract the effect of one years growth in VMT.

Although implementation of an enhanced I/M program is required in the urbanized area of Connecticut's portion of the NY-NJ-CT CO nonattainment area, Connecticut has demonstrated that requiring vehicles traveling within the nonattainment area, but originating outside the urbanized area, to meet the CO performance standard of the enhanced I/M program, will result in CO emission reductions which offset the CO emissions attributable to a two percent growth (one years growth) of the projected 1995 VMT in the area. The

legal authority for the implementation of the enhanced I/M program was passed by the General Assembly of the State of Connecticut in Public Act 90-312 which took effect on July 1, 1993. Connecticut further demonstrated that if the area does not attain the CO standard by the December 31, 1995 attainment date, the state is committed to implementing the Employee Commute Option in the nonattainment area, which will provide reductions in VMT to offset the anticipated growth in VMT from 1994 to the attainment year of 1995. The Connecticut Legislature has effectively authorized implementation of the ECO program through the promulgation Public Act 93-334 which has been codified it into the Connecticut General Statutes.

4. Attainment Demonstration

As noted, CO nonattainment areas with design values greater than 12.7 parts per million (ppm) were required to submit a demonstration by November 15, 1992; the plan must provide for attainment by December 31, 1995 for moderate CO nonattainment areas and December 31, 2000 for serious CO nonattainment areas.

To demonstrate attainment, the 1-hour and 8-hour and National Ambient Air Quality Standards (NAAQS) for CO are not to be exceeded more than once per year. The 1-hour CO NAAQS is 35 ppm (40 mg/m³) and the 8-hour CO NAAQS is 9 ppm (10 mg/m³). Connecticut has satisfied this requirement with its April 7, 1994 SIP submittal in which Connecticut conducted an attainment demonstration using intersection modeling for a representative set of the most congested intersections with high traffic volumes and the greatest potential to generate high CO concentrations in the Connecticut portion of the NY-NJ-CT CO nonattainment area. This analysis also demonstrated that the two CO monitors in downtown Bridgeport and downtown Stamford are in fact sited where the local conditions result in the highest CO levels in Connecticut's portion of the nonattainment area. The design value for the entire NY-NJ-CT CO nonattainment area was 13.5 ppm in 1988, based on monitoring data from site in Manhattan, New York. Connecticut's SIP revision indicated that based solely on the two monitors located in the Connecticut portion of the nonattainment area, the design value for the Connecticut portion of the area would have been 6.9 ppm, and these CO monitors have not monitored a violation of the NAAQS since 1984. Therefore, Connecticut demonstrates that the existing CO levels in the Connecticut

portion of the NY-NJ-CT nonattainment area are in attainment of the NAAQS and CO emissions will continue to decrease throughout the attainment year of 1995 demonstrating continued attainment through the December 31, 1995 attainment date.

The Act requires that the CO nonattainment area plan revisions demonstrating attainment must contain measures which demonstrate reasonable further progress through specific annual emission reductions as are necessary to attain the standard by December 1995. EPA has reviewed the attainment demonstration and control strategy for the area to determine whether annual incremental reductions different from those provided in the SIP should be required in order to ensure attainment of the CO NAAQS by the applicable attainment date (see section 171(1)). Connecticut has demonstrated that the Connecticut portion of the NY-NJ-CT nonattainment area is currently in attainment and although further reduction in CO emissions will result from the implementation of oxygenated fuels, enhanced inspection and maintenance and the Federal Motor Vehicle Control Program, specific emission reductions are not necessary to attain the standard by the attainment date. EPA believes the implementation of these measures will assure that the area CO emissions continue to decrease and therefore ensuring attainment of the area in December 1995.

5. Oxygenated Fuels Program

Motor vehicles are significant contributors of CO emissions. An important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen, contained within the fuel, enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting. Section 211(m) of the CAAA requires that States with CO nonattainment areas classified as moderate or above, submit state implementation plan revisions to implement oxygenated gasoline programs by no later than November 1, 1992. The oxygenated gasoline program must require gasoline sold or dispensed in the specified control area to contain not less than 2.7 percent oxygen by weight during that portion of the year in which the area is prone to high ambient concentrations of CO (the control period). EPA announced guidance on the establishment of control periods, by area, in the **Federal Register** on October 20, 1992 which also announced the availability of oxygenated gasoline credit program guidelines. Under a credit program, marketable oxygen

credits may be generated from the sale of gasoline with a higher oxygen content than is required (i.e., an oxygen content greater than 2.7 percent by weight). These oxygen credits may be used to offset the sale of gasoline with a lower oxygen content than is required. As an alternate to the credit program, the State may elect a program in which a minimum of 2.7 percent by weight oxygen must be present in every gallon of gasoline sold. The EPA also issued labeling regulations under section 211(m)(4) of the CAA. These labeling regulations were also published in the **Federal Register** on October 20, 1992.

Connecticut has satisfied the requirements of Section 211(m) with their January 14, 1993, April 7, 1994, and August 1, 1995 SIP submittals which contain adopted amendments and revisions to the Regulation of Connecticut State Agencies (RCSA), to add Section 22a-174-28, which establishes an Oxygenated Fuel Program. EPA is approving, in a separate direct final rulemaking notice, the oxygenated fuel program, except as it applies to the Southwestern Control Area, as defined in 22a-174-28. In this notice, EPA is proposing approval of the definition for the Southwestern Control Area and that portion of the definition of "control period" that applies to the Southwestern Control Area. The program is one in which all oxygenated gasoline must contain a minimum oxygen content of 2.7 percent by weight of oxygen. Connecticut has adopted labeling regulations, enforcement procedures, and oxygenate test methods in accordance with Section 211(m) of the Act.

On August 1, 1995, the State of Connecticut submitted a revision to the control period for the Connecticut portion of the New Jersey/New York/Connecticut CO nonattainment area changing the oxygenated fuels control period to November 1 through the last day of February of each year. Previously, the control period had been October 1 through April 30 of each year. Under Section 211(m) of the CAA, a control period must be that portion of the year in which the control area is prone to high ambient concentrations of CO, but no less than four months in length.

Section 211(m)(2) requires this control period to be based on air quality monitoring data and established by the EPA Administrator. EPA is proposing to approve Connecticut's four-month control period for the Southwestern Control Area because it is consistent with section 211(m)(2) and the EPA 1992 guidance.

EPA is publishing concurrently with this notice a Notice of Proposed Rulemaking to approve New York's oxygenated gasoline SIP submission. That notice proposes to establish a four-month control period for the New York portion of the New York-New Jersey-Connecticut CO nonattainment area. Connecticut's establishment of a four-month control period will be consistent with New York's four-month control period.

The setting of a four-month control period for the nonattainment area is consistent with established Agency guidance (announced for availability at 57 FR 47853, October 20, 1992) regarding oxygenated gasoline control periods to determine the proper control period length for the New York-New Jersey-Connecticut CO nonattainment area. As part of the 1992 guidance document, based on air quality data from 1990 and 1991, EPA suggested that the proper control period for the New York-New Jersey-Connecticut CO nonattainment area was October 1 through April 30. However, the 1992 guidance does not establish a binding norm regarding control periods and provides that the determination of the control period will be an issue to be finally decided by EPA as part of the review of individual state SIP revisions for oxygenated gasoline programs. EPA has set forth the reasons for its proposed approval of the four-month control period for the New York-New Jersey-Connecticut CO nonattainment area in the above-mentioned notice regarding New York's oxygenated gasoline SIP revision published concurrently with this notice. In that notice, EPA explains the rationale for determining that the appropriate control period is from November 1 through the last day of February for the entire nonattainment area. EPA believes sale of gasoline oxygenated to 2.7 percent by weight during the months of October, March and April is no longer necessary for adequate carbon monoxide control in the entire nonattainment area. EPA will not repeat the rationale provided in that notice, but rather incorporates by reference the same rationale into this notice.

Proposed Action

The EPA is proposing to approve collectively the plan revisions submitted to EPA for the Connecticut portion of the NY-NJ-CT CO nonattainment area on January 12, 1993, January 14, 1993, April 7, 1994, and August 1, 1995. Among other things, Connecticut has demonstrated that the Connecticut portion of the NY-NJ-CT CO nonattainment area will continue to

attain the CO NAAQS through December 31, 1995, the applicable attainment date.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The CAA does not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

As noted, additional submittals for the CO nonattainment areas are required under Section 186 and 187 of the Act. The EPA will determine the adequacy of any such submittal as appropriate. Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of Section 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 25, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 175A and section 187(a)(1) of the Clean Air Act. The rules and commitments approved in this action may bind State, local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to certain duties. To the extent that the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as mandate upon the private sector, EPA's action will impose no new requirements under State law; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, results from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and record keeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 31, 1995.

John P. DeVillars,

Regional Administrator, EPA-New England.
[FR Doc. 95-22958 Filed 9-14-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[Region II Docket No. 140, NY 12-1-6477; FRL-5296-7]

Approval and Promulgation of Implementation Plans; Carbon Monoxide State Implementation Plan Revision State of New York and Revision of Oxygenated Gasoline Control Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing the approval of portions of a request from New York to revise its State Implementation Plan (SIP) related to the control of carbon monoxide. EPA is proposing approval of New York's vehicle miles travelled forecast, contingency measures, carbon monoxide emission inventory, multi-state coordination letter, and Downtown Brooklyn Master Plan. In addition, EPA is proposing approval of the oxygenated gasoline program in the New York City consolidated metropolitan statistical area during the four months when the area is prone to high ambient concentrations of carbon monoxide. New York's oxygenated fuels program also includes a provision for oxygenated fuels to serve as a contingency measure in the Syracuse metropolitan statistical area.

New York has recently updated its enhanced inspection and maintenance submittal which EPA is currently reviewing. Therefore, action on that program, along with the attainment demonstration, which relies on the enhanced inspection and maintenance program, will be taken in a separate **Federal Register** notice. These revisions have been submitted in response to requirements established in the Clean Air Act as amended in 1990 that the states develop a plan to attain the carbon monoxide standard.

DATES: Comments must be received on or before October 16, 1995

ADDRESSES: Written comments should be addressed to:

William S. Baker, Chief, Air Program Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866

Copies of the state submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, New York, New York 10007-1866.

New York Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Henry Feingersh, Air Programs Branch, Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION:**Background**

The Clean Air Act, as amended in 1990, sets forth a number of requirements that states designated as moderate nonattainment for carbon monoxide had to submit as revisions to their SIPs by November 15, 1992. Since the New York portion of the "New York-Northern New Jersey-Long Island" carbon monoxide nonattainment area is classified as a moderate 2 area (an area that has a design value of 12.8-16.4 ppm.), New York was required to make this submission. These requirements are: an attainment demonstration, an enhanced vehicle inspection and maintenance program, an oxygenated fuels rule, a vehicle miles traveled forecast, contingency measures, a carbon monoxide emission inventory, a revised new source review program, and multi-state coordination letter.

EPA has issued a "General Preamble" describing its preliminary views on how it intends to review SIPs and SIP revisions submitted in order to meet Title I requirements [see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. The reader should refer to the General Preamble for a more detailed discussion of the Title I requirements and what EPA views as necessary to adequately comply with Title I provisions.

On November 13, 1992, New York submitted to EPA proposed revisions to its carbon monoxide SIP that addressed each of the above requirements for its moderate carbon monoxide nonattainment area. In addition, in a submittal dated March 21, 1994, New York submitted to EPA additional information pertaining to its carbon monoxide SIP.

As part of Federal Environmental Impact Statement work, certain projects in Brooklyn were identified as causing violations of the carbon monoxide standard. The State said that they would revise the carbon monoxide SIP to mitigate these problems. On September 21, 1990, New York submitted a revision to the New York SIP to attain the carbon monoxide air quality standard in the Brooklyn portion of the New York City metropolitan area.

These three submittals are the subject of this **Federal Register**. The following summarizes EPA's evaluation of New York's SIP submittals and EPA's proposed actions. The details of EPA's review are contained in the Technical Support Document available at EPA's Region II office.